

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALVIN R. SIMMONS, JR.,	)	
	)	
Plaintiff,	)	Civil Action No. 20-319
	)	
v.	)	Judge Cathy Bissoon
	)	
COMMONWEALTH BANK, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER OF DISMISSAL**

For the reasons that follow, Plaintiff’s Complaint will be dismissed pursuant to the screening provisions in 28 U.S.C. § 1915.

Plaintiff has been granted leave to proceed *in forma pauperis* (“IFP”), and the Complaint is subject to the screening provisions in 28 U.S.C. § 1915(e). *See Atamian v. Burns*, 2007 WL 1512020, \*1-2 (3d Cir. May 24, 2007) (“the screening procedures set forth in [Section] 1915(e) apply to [IFP] complaints filed by prisoners and non-prisoners alike”) (citations omitted).

Among other things, the Court is required to dismiss any action lacking subject matter jurisdiction – a concern the Court owes a duty to raise, *sua sponte*, in *any* case before it.

*See Huber v. Taylor*, 532 F.3d 237, 249 (3d Cir. 2008).

Plaintiff alleges federal question jurisdiction, and the sum-total of his allegations are: “Violation of civil rights and due color and bias and [the] Bank violated some civil rights.” Compl. (Doc. 3). These allegations do not plausibly state grounds for an exercise of federal question jurisdiction. Otherwise, there is no basis for concluding that Defendants are state-actors. *Swope v. Northumberland Nat’l Bank*, 2014 WL 4716944, \*5 (M.D. Pa. Sept. 22, 2014) (the Court of Appeals for the Third Circuit “has repeatedly found that constitutional claims

brought against banks fail as a matter of law because banks and their employees do not qualify as state actors”) (collecting cases).

Plaintiff’s action is subject to dismissal under 28 U.S.C. § 1915, and there is no reason to believe that the deficiencies may be cured by amendment. Accordingly, this case is

**DISMISSED WITH PREJUDICE.**

IT IS SO ORDERED.

January 13, 2021

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via First-Class U.S. Mail):

Alvin R. Simmons, Jr.  
4400 Centre Ave, Apt 5A  
Pittsburgh, PA 15213